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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,941	09/21/2000	Sung Bac Jun	P-124	8915
34610	7590	02/25/2004	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			SLOAN, NATHAN A	
			ART UNIT	PAPER NUMBER
			- 2614	7

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/665,941	JUN ET AL.	
	Examiner	Art Unit	
	Nathan A Sloan	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-36 is/are rejected.
- 7) ☒ Claim(s) 9-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 11/28/03 have been fully considered but they are not persuasive.

With respect to claim 1, applicant asserts that Lawler fails to teach multiple items user preference information for multiple items (e.g., a unique preference information for a combination of single items). Yet applicant readily admits that Lawler teaches a correction representing 'the sum of the counts of the individual criterion obtained from a viewer preference database.' Applicant then states that "the sum of the counts is solely a compilation of counts of each individual criteria, and not representative of the combination of individual criterion as an integrated group. This argument is not found convincing; it is precisely the sum of individual criterion is a combination of single items as claimed. See previously cited sections and particularly col. 9:2-18 which teaches summing individual preference items to determine a multiple item preference which indicates a show that is most likely to be of interest to a viewer.

Applicant asserts that claim 7 is patentably based on similar features of claim 1 as previously addressed.

Amended and newly added claims are addressed in detail below, unamended claims remain on previous grounds of rejection in light of the arguments addressed above.

Claim Objections

2. Claims 9-13 are objected to because of the following informalities: these claims depend on claim 8, which was cancelled. Examiner will treat these claims as being dependent on claim 7 for the purposes of this office action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There does not appear to be support for a preference field indicating language in the specification. This rejection may be overcome by directing the examiners attention to an enabling portion of the specification as originally filed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7, 9-11, 14-21, 24-30, and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (5,758,259).

Lawler teaches a system and method for recommending programs to viewers based on a plurality of ranked criteria.

With respect to claims 1, 7, 27, and 34, the claimed “multiple item user preference information data structure for multi-media information provided from an information provider” is met generating preferences related to a plurality of attributes of multi-media data as taught in columns 6-9. Specifically, “single item user preference information” is created by tracking user preferences to an item such as an actor, a genre of programming, a specific team, etc as seen in tables 1A-1D (col. 6-7). The single items are combined into “multiple items user preference information,” to form a user profile as seen in Table 2 (col. 7-8). This profile is then used to “search the multi-media information according to the user preference information” as taught in column 8:63+ through column 9:18. Users are then provided with the multimedia as identified by the search.

With respect to claims 2, 9, 28 the claimed “user preference identifier which denotes the item to describe the user’s preference” is met by the Value column of table 2 (col. 8), which shows an identifier such as the name of an actor. The claimed “item preference level indicating the degree of” corresponding user preference is met by the count column indicating the preference of a given value.

With respect to claims 3, 10, 29, and 36 the claimed multiple item identifier being “a combination of single user preference items” is met by forming the favorites profile with categories containing a plurality of single preferences. This is seen in Table 2 with a plurality of actors making up a name, and further with a plurality of criterion making up the profile. The claimed “item preference level indicating the degree of user preference corresponding to the user preference combinations” is met as noted above and taught in column 8:63+ through column 9:18. Items are searched for a plurality of user preferences and counts are summed to generated a highest correlation to a preferred program based on individual values, claimed “user preference item identifiers.”

With respect to claim 4 and 30, the claimed preference level “divided into a plurality of levels between levels preferred by a user and levels not preferred by a user” is met by the counts of Table 2. These counts range over a plurality of “levels” or numerical values, with higher values indicating a “level preferred by a user” and lower values indicating “levels not preferred by a user.”

With respect to claim 11, the claimed assigning a “weight value” and searching depending on priority according to weight value is met as noted above by assigning count values and searching for a highest probability as taught in columns 8 through column 9, line 18.

With respect to claims 14 and 15, the claimed data structure of items is seen in col. 8, the claimed first weight value to a single item is seen in table 2 of col. 8 which represents multiple item user preference information of multimedia content, the “second weight value to a group of a plurality of items” is met by summing the groups of a plurality of items “based upon user preference information” of the group as taught in col. 9:1-18 and in the above referenced sections.

With respect to claim 16, the claimed multi-media information being “provided from an information provider to users in a user desired environment” is met by providing television programming and programming guide information to users through control node 12 (col. 3:24-47, Fig. 1, and Fig. 3A-3B).

With respect to claim 17, the claimed setting user preference information is seen in col. 8, which is used to search the multi-media information according to preferences and provide users with multimedia-information according to the results as addressed above (see col. 8-9).

Claims 18-20 is met as noted in response to claim 1-3 above.

Claim 21 is met as noted in response to claim 11 above.

With respect to claim 24, the claimed preference field including at least one of genre, producer, production date, director, character, degree of special effects, actor, and language is met by genre preference indicators as seen in table 2, col. 8.

With respect to claims 25 and 26, the claimed second weight value being independent of a first / individual weight value is met by Lawler in col. 8 and 9:1-18. As seen in col. 8, a single values is used for each item, such as for Don Adams at 10. However, as taught col. 9:1-6, when determining a multiple item correlation for a show such as the David Letterman show, values for

Tim Allen, Roseanne Barr, David Letterman, and "talk" are used. That is, a second multiple item weight is formulated independent of certain first weight values such as Don Adams.

With respect to claim 33, the claimed method being in a system of "filtering/searching multimedia contents" is met by the system of Lawler as addressed above for searching multimedia contents according to user preferences.

Claim 35 is met as noted in response to claims 2 and 4 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 12, 13, 22, 23, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler (5,758,259).

With respect to claims 5, 6, 12, 13, 22, 23, 31, 32 the claimed single and multiple user preference information being "stored in non-volatile memory of a system installed for an information provider and/or an information user" not taught by Lawler. Lawler teaches the use of memory but not that it is "non-volatile." Examiner takes Official Notice that non-volatile memory are a well known form of memory. It would have been obvious for one skilled in the art at the time of the invention to modify the system of Lawler by using a non-volatile smart card in order to maintain preference history even when the system is turned off and maintain portability.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A Sloan whose telephone number is (703) 305-8143. The examiner can normally be reached on Mon-Fri 7:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NAS


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